

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CARL THOMAS KINGSTON	§	
VS.	§	CIVIL ACTION NO. 1:03cv628
R. D. MILES, ET AL.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Carl Thomas Kingston, an inmate confined the United States Penitentiary in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil rights action *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Warden R. D. Miles, the United States Penitentiary in Beaumont, and the United States of America.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the defendants' motion for summary judgment and dismissing the case for failure to exhaust administrative remedies.

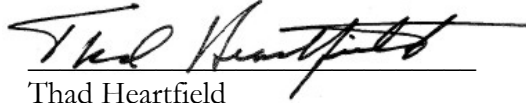
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The defendants' motion for summary judgment

is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the **13** day of **September, 2005**.



Thad Heartfield
United States District Judge